

Reed Shuster Torres
Regula Sisisky Torricelli
Richardson Skaggs Towns
Riggs Skeen Traficant
Rivers Skelton Upton
Roberts Slaughter Velazquez
Roemer Smith (MI) Vento
Rogers Smith (NJ) Volkmer
Rohrabacher Smith (TX) Vucanovich
Ros-Lehtinen Smith (WA) Walker
Rose Spence Walsh
Roukema Spratt Wamp
Roybal-Allard Stark Ward
Royce Stearns Watts (OK)
Rush Stenholm Waxman
Saboo Stockman Weldon (FL)
Salmon Stokes Weldon (PA)
Sanders Studts Weller
Sanford Stump White
Sawyer Stupak Whitfield
Saxton Talent Wicker
Scarborough Tanner Wilson
Schaefer Tate Wise
Schiff Tauzin Wolf
Schroeder Taylor (MS) Woolsey
Schumer Tejada Wynn
Seastrand Thomas Yates
Sensenbrenner Thompson Young (AK)
Serrano Thornberry Young (FL)
Shadegg Thornton Zeliff
Shaw Thurman Zimmer
Shays Turkildsen

NOES—4

Scott Watt (NC)
Waters Williams

NOT VOTING—18

Brewster Hall (OH) Roth
Collins (IL) Harman Solomon
Dunn Hayes Souder
Ford McDade Taylor (NC)
Gibbons Molinari Tiahrt
Gunderson Mollohan Visclosky

So the amendment was agreed to.
After some further time,

53.19 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WATT of North Carolina:

Page 3, beginning on line 9, strike subsection (a) and insert the following:

“IN GENERAL.—The United States Sentencing Commission shall review the Federal sentencing guidelines to determine an appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

It was decided in the { Yeas ..... 41
negative ..... } Nays ..... 370

53.20 [Roll No. 147]

AYES—41

Barrett (WI) Fields (LA) Rohrabacher
Becerra Flake Roybal-Allard
Bishop Hastings (FL) Rush
Campbell Hilliard Scarborough
Clay Jackson (IL) Scott
Clayton Jefferson Serrano
Clyburn Lewis (GA) Stokes
Collins (MI) McDermott Thompson
Conyers Meek Towns
Coyne Millender Velazquez
Cummings McDonald Waters
Dellums Payne (NJ) Watt (NC)
Dixon Pelosi Williams
Fattah Rangel Wynn

NOES—370

Abercrombie Barcia Bilirakis
Ackerman Barr Bliley
Allard Barrett (NE) Blute
Andrews Bartlett Boehlert
Archer Barton Bonior
Armey Bass Bono
Bachus Bateman Borski
Baesler Boucher Brewster
Baker (CA) Bereuter Browder
Baker (LA) Berman Browner
Baldacci Beville Brown (FL)
Ballenger Bilbray Brown (OH)

Brownback Goss Menendez
Bryant (TN) Graham Metcalf
Bryant (TX) Green (TX) Meyers
Bunn Greene (UT) Mica
Bunning Greenwood Miller (CA)
Burr Gutierrez Miller (FL)
Burton Gutknecht Minge
Buyer Hall (OH) Mink
Callahan Hall (TX) Moakley
Calvert Hamilton Montgomery
Camp Hancock Moorhead
Canady Hansen Morella
Cardin Hastert Murtha
Castle Hastings (WA) Myers
Chabot Hayworth Myrick
Chambliss Hefley Nadler
Chapman Hefner Neal
Chenoweth Heineman Nethercutt
Christensen Herger Neumann
Chrysler Hillery Ney
Clement Hinchev Norwood
Clinger Hobson Nussle
Coble Hoekstra Oberstar
Coburn Hoke Obey
Coleman Holden Olver
Collins (GA) Horn Ortiz
Collins (IL) Hostettler Orton
Combest Houghton Oxley
Condit Hoyer Packard
Cooley Hunter Pallone
Costello Hutchinson Parker
Cox Hyde Pastor
Cramer Inglis Paxon
Crane Jackson-Lee Payne (VA)
Crapo (TX) Peterson (FL)
Cremean Jacobs Peterson (MN)
Cubin Johnson (CT) Petri
Cunningham Johnson (SD) Pickett
Danner Johnson, E.B. Pombo
Davis Johnson, Sam Pomeroy
de la Garza Johnston Porter
Deal Jones Portman
DeFazio Kanjorski Poshard
DeLauro Kaptur Pryce
DeLay Kasich Quillen
Deutsch Kelly Quinn
Diaz-Balart Kennedy (MA) Radanovich
Dickey Kennedy (RI) Rahall
Dicks Kennelly Ramstad
Dingell Kildee Reed
Doggett Kim Regula
Dooley King Richardson
Doolittle Kingston Riggs
Dornan Kleczka Rivers
Doyle Klink Roemer
Dreier Klug Rogers
Duncan Knollenberg Ros-Lehtinen
Dunn Kolbe Rose
Durbin LaFalce Roth
Edwards LaHood Roukema
Ehlers Lantos Royce
Ehrlich Largent Sabo
Emerson Latham Salmon
Engel LaTourette Sanders
English Laughlin Sanford
Ensign Lazio Sawyer
Eshoo Leach Saxton
Evans Levin Schaefer
Everett Lewis (CA) Schiff
Ewing Lewis (KY) Schroeder
Farr Lightfoot Schumer
Fawell Lincoln Seastrand
Fazio Linder Sensenbrenner
Fields (TX) Lipinski Shadegg
Filner Livingston Shaw
Flanagan LoBiondo Shays
Foley Lofgren Shuster
Forbes Longley Sisisky
Fox Lowey Skaggs
Frank (MA) Lucas Skeen
Franks (CT) Luther Skelton
Franks (NJ) Maloney Slaughter
Frelinghuysen Manton Smith (MI)
Frisa Manzullo Smith (NJ)
Frost Markey Smith (TX)
Funderburk Martinez Smith (WA)
Furse Martini Solomon
Gallegly Mascara Spence
Ganske Matsui Spratt
Gejdenson McCarthy Stearns
Gekas McCollum Stenholm
Gephardt McCrery Stockman
Geren McHale Stump
Gilchrist McHugh Stupak
Gillmor McLinnis Talent
Gilman McIntosh Tanner
Gonzalez McKeon Tate
Goodlatte McKinney Tauzin
Gooding McNulty Taylor (MS)
Gordon Meehan Taylor (NC)

Tejeda Volkmer Whitfield
Thomas Vucanovich Wicker
Thornberry Walker Wilson
Thornton Walsh Wise
Thurman Wamp Wolf
Tiahrt Ward Woolsey
Turkildsen Watts (OK) Yates
Torres Waxman Young (AK)
Torricelli Weldon (FL) Young (FL)
Traficant Weldon (PA) Zeliff
Upton Weller Zimmer
Vento White

NOT VOTING—22

Beilenson Gunderson Owens
Boehner Harman Roberts
Bonilla Hayes Souder
Brown (CA) Istook Stark
Foglietta McDade Studts
Ford Molinari Visclosky
Fowler Mollohan
Gibbons Moran

So the amendment was not agreed to.
The SPEAKER pro tempore, Mr. HOBSON, assumed the Chair.

When Mr. LATOURETTE, Chairman, pursuant to House Resolution 421, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution,

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Crimes Against Children and Elderly Persons Increased Punishment Act”.

SEC. 2. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

“SEC. 240002. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

“(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, including those crimes of violence involving the environment, if the crime of violence is against a child, elderly person, or other vulnerable person. If the crime of violence is also a sex crime against a child, the enhancement provided under the preceding sentence shall be 6 instead of 5 levels.

“(b) DEFINITIONS.—As used in this section—

“(1) the term ‘crime of violence’ has the meaning given that term in section 16 of title 18, United States Code;

“(2) the term ‘child’ means a person who is 14 years of age, or younger;

“(3) the term ‘elderly person’ means a person who is 65 years of age or older; and

“(4) the term ‘vulnerable person’ means a person whom the defendant knew or should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct, or is a victim of an offense under section 2241(e) of title 18, United States Code.”.

SEC. 3. SHORT TITLE.

Section 4 may be cited as the “Amber Hagerman Child Protection Act of 1996”.

SEC. 4. INCREASED PENALTIES FOR FEDERAL SEX OFFENSES AGAINST CHILDREN.

(a) AGGRAVATED SEXUAL ABUSE OF A MINOR.—Section 2241(c) of title 18, United States Code, is amended—

(1) by inserting “whoever in interstate or foreign commerce or” before “in the special”;

(2) by inserting "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or" after "Whoever"; and

(3) by adding at the end of the following: "If the defendant has previously been convicted of another Federal offense under this subsection or under section 2243(a), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison."

(b) SEXUAL ABUSE OF A MINOR.—Section 2243(a) of title 18, United States Code, is amended—

(1) by inserting "whoever in interstate for foreign commerce or" before "in the special";

(2) by inserting "crosses a State line with intent to engage in a sexual act with a person who, or" after "Whoever"; and

(3) by adding at the end of the following: "If the defendant has previously been convicted of another Federal offense under this subsection or under section 2241(c), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison."

SEC. 5. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

"(e) PUNISHMENT FOR SEXUAL PREDATORS.— (1) Whoever, in a circumstance described in paragraph (2) of this subsection—

"(A) violates this section; or

"(B) engages in conduct that would violate this section, if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, and—

"(i) that conduct is in interstate or foreign commerce;

"(ii) the person engaging in that conduct crossed a State line with intent to engage in the conduct; or

"(iii) the person engaging in that conduct thereafter engages in conduct that is a violation of section 1073(l) with respect to an offense that consists of the conduct so engaged in; shall be imprisoned for life.

"(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

"(A) is an offense under this section or section 2242 of this title; or

"(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States."

SEC. 6. PROHIBITIONS RELATING TO BODY ARMOR.

(a) SHORT TITLE.—This section may be cited as the "James Guelff Body Armor Act of 1996".

(b) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any crime of violence against a vulnerable person (which for the purposes of this section shall include a law enforcement officer) as defined in section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 in which the defendant used body armor.

(c) For purposes of this section—

(1) the term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

(2) the term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

SEC. 7. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime of violence against a child, elderly person, or other vulnerable person (as such terms are defined in section 240002(b) of the Violent Crime Control and Law Enforcement Act of 1994) shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. HOBSON, announced that the nays had it.

Mr. BUYER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 414 affirmative ..... } Nays ..... 4

53.21 [Roll No. 148] AYES—414

- Abercrombie Boucher Collins (GA)
Ackerman Brewster Collins (IL)
Allard Browder Collins (MI)
Andrews Brown (CA) Combest
Archer Brown (FL) Condit
Army Brown (OH) Conyers
Bachus Brownback Cooley
Baesler Bryant (TN) Costello
Baker (CA) Bryant (TX) Cox
Baker (LA) Bunn Coyne
Baldacci Bunning Cramer
Ballenger Burr Crane
Barcia Burton Crapo
Barr Buyer Cremeans
Barrett (NE) Callahan Cubin
Barrett (WI) Calvert Cummings
Bartlett Camp Cunningham
Barton Campbell Danner
Bass Canady Davis
Bateman Cardin de la Garza
Bentsen Castle Deal
Bereuter Chabot DeFazio
Berman Chambliss DeLauro
Bevill Chapman DeLay
Bilbray Chenoweth Dellums
Bilirakis Christensen Deutsch
Bishop Chrysler Diaz-Balart
Bliley Clay Dickey
Blute Clayton Dicks
Boehert Clement Dingell
Boehner Clinger Dixon
Bonilla Clyburn Doggett
Bonior Coble Dooley
Bono Coburn Doolittle
Borski Coleman Dornan

- Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchev
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeean
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield